

Application No.: 09/657,336

7

Docket No.: 500862001500

REMARKS

Entry of this amendment and reconsideration are respectfully requested. Applicants seek to amend claims 1, 4, 6, 19, 21, 31, 36, 38 and 39 and add new claims 56-75 in order to comply with the Examiner's requirement as to the form of the claims. Support for the amendments is found throughout the specification. The amendment of claims 1 and 19, to recite "albumin" instead of "serum albumin" is found at page 27, line 9, which states: "Thus, peptide-maleimide-albumin conjugates will tend to comprise approximately a 1:1 ratio of peptide to albumin". Also, page 27, line 17 states: "The single free thiol group of albumin, highly conserved among species, is located at amino acid residue 34 (Cys³⁴).". Therefore this amendment after final is proper. Upon entry of this amendment, claims 1, 4, 6, 19, 21, 31, 36, 38, 39, and 56-75 will be pending.

Examiner Interview

Applicants would like to thank the Examiner for the telephone interview of January 31, 2006. These claim amendments are presented pursuant to those discussions.

The Examiner had indicated in the interview that Applicants should send him a draft supplemental amendment after final incorporating the claim amendments discussed in the interview, which was done on February 2, 2006. The draft supplemental amendment assumed entry of Applicant's previously submitted After Final amendment, mailed on December 21, 2005. After the draft supplemental amendment was sent to the Examiner, Applicants received an Advisory Action mailed by the Examiner on January 20, 2006 which refused entry of the After Final amendment mailed December 21, 2005.

The Examiner indicated in a voicemail on February 28, 2006, that he approved of the claim amendments in the draft supplemental amendment and a response containing these claim amendments should be filed. This response makes the same claim amendments as the draft supplemental amendment approved by the Examiner, but since the previous amendment was not entered, the claim amendments and remarks from the previous amendment are also incorporated here.

sf-2088911

Application No.: 09/657,336

8

Docket No.: 500862001500

As a preliminary matter, Applicants would like to thank the Examiner for the withdrawal of the 35 U.S.C. §103(a) and Non-statutory Double Patenting rejections.

Applicants would like to thank the Examiner for entry into the file and consideration of the Supplemental Information Disclosure Statement filed on October 7, 2005.

35 U.S.C. §112, Second Paragraph Rejection

The Examiner has rejected claims 1, 4, 6, 19, 21, 31, 36, 38 and 39 as being "...indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner states: "The claims are confusing because they appear to be directed toward a modified antiviral peptide yet the claimed structural characteristics actually suggest the invention is directed toward a conjugate comprising a modified antiviral peptide and serum albumin."

Applicants hereby submit amendments to these claims and assert that the amended claims are definite as written. Applicants respectfully request that the Examiner withdraw this rejection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

sf-2088911

Application No.: 09/657,336

9

Docket No.: 500862001500

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.500862001500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 9, 2006

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

Registration No.: 38,651

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105-2482

(415) 268-6237

sf-2088911